

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2019

(4) Blue interior auxiliary lighting or dash lighting may be used on any vehicle if no portion of the beam of light is visible at a height of 42 inches above a surface parallel with the level surface on which the vehicle stands at a distance of 20 feet from any part of the vehicle.

(5) A vehicle owned by the Department of Public Safety may be equipped with blue emergency lighting and a siren, but neither the lighting nor the siren may be displayed or used except when the vehicle is being operated by a law enforcement officer.

Sec. 6. 29-A MRSA §2113, sub-§1-A is enacted to read:

1-A. Rolling coal prohibited. A person may not operate, or cause to have operated, a diesel-powered motor vehicle with a manufacturer's gross vehicle weight rating under 18,000 pounds that emits visible smoke on a public way or parking area because of a permanent or temporary alteration to the air pollution control system of the motor vehicle. For the purposes of this subsection, "air pollution control system" has the same meaning as in section 2111, subsection 1.

Sec. 7. 29-A MRSA §2380, sub-§8, ¶¶B and C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

B. Construction equipment used on way and bridge construction projects; ~~and~~

C. A load of loose hay, pea vines, cornstalks or other loosely mounded loads that can not damage structures or threaten public safety; ~~and~~

Sec. 8. 29-A MRSA §2380, sub-§8, ¶D is enacted to read:

D. Snowplows and equipment mounted on a vehicle traveling from one work location to another work location during a snow event, or traveling from the point of purchase to a storage location, as long as the vehicle does not exceed 108 inches in total width. For the purposes of this paragraph, "snow event" means the period beginning 48 hours before a snowstorm and ending 48 hours after the snowstorm.

Sec. 9. 29-A MRSA §2382, sub-§5, as amended by PL 2011, c. 556, §22, is further amended to read:

5. Long-term permits. The Secretary of State may grant permits for up to one year for trucks, truck tractors, semitrailers, heavy duty recovery vehicles and Class A special mobile equipment. Notwithstanding Title 5, section 8071, subsection 2, paragraph A, the Secretary of State, in consultation with the Commissioner of Transportation, shall establish the fee schedule by rule. Rules adopted pursuant to this subsection

are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 336

H.P. 1260 - L.D. 1773

An Act To Clarify Bonding Authority for School Management and Leadership Centers

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §3802, sub-§12, as enacted by PL 2017, c. 284, Pt. VVVVV, §6, is amended to read:

12. Bonding authority; debt limitation; allocation and payment of approved debt. A school management and leadership center may issue bonds and notes for school construction purposes. For purposes of this section, "school construction purposes" includes minor capital costs relating to maintenance of a school's physical plant. The school management and leadership center board shall decide whether the issuance of bonds or notes by the school management and leadership center for school construction purposes is necessary. The board shall determine whether the issuance of bonds or notes is authorized, and, if so, the board shall issue the bonds or notes and administer the proceeds of, and the payment of principal of and interest on, those bonds or notes after issuance. A school management and leadership center may issue bonds and notes for school construction purposes only under the provisions of the interlocal agreement under section 3801, subsection 3. Upon receiving authorization to issue bonds or notes under the election procedures of the interlocal agreement, the board shall follow the requirements of section 1490 for issuing bonds or notes of the school management and leadership center.

A. Indebtedness of a school management and leadership center for school construction purposes may not exceed 4% of the total state valuation of the participating municipalities. For purposes of this section, "participating municipalities" of a school management and leadership center includes all municipal school units that are members of the school management and leadership center and the municipalities constituting the other members of the school management and leadership center. The debt limitation is determined as of the date the state board issues a project concept approval or in the case of a nonstate funded project the date the commissioner approves the project under section 15905-A. Debt of a school management and leadership center is outside the

debt limitations of its members and of municipalities constituting its members.

B. For purposes of determining a debt limitation under this subsection, debt approved for state subsidy is excluded. However, in cases in which one or more participating municipalities receive an adjustment for the minimum state allocation pursuant to section 15689, subsection 1, each outstanding state-subsidized debt allocable to a participating municipality that does not receive an adjustment for the minimum state allocation pursuant to section 15689, subsection 1 is excluded from the debt limitation, but only the state reimbursable portion of each outstanding state-subsidized debt allocable to a participating municipality that receives an adjustment for the minimum state allocation pursuant to section 15689, subsection 1 is excluded.

C. For purposes of determining the debt limitation exclusion under paragraph B, when at least one participating municipality receives an adjustment for the minimum state allocation pursuant to section 15689, subsection 1, each issue of debt approved for purposes of state subsidy is allocated in proportion to the fiscal capacities of the school management and leadership center members. In the case of each school management and leadership center member that is a regional school unit, school administrative district or community school district, the amount of each fiscal capacity allocation under this subsection is allocated to the municipalities constituting the member in proportion to the municipalities' pupil counts in accordance with section 15688, subsection 2. For each participating municipality that receives an adjustment for the minimum state allocation pursuant to section 15689, subsection 1, the state reimbursable portion of an outstanding state-subsidized debt allocable to that participating municipality is the product of the amount of that school management and leadership center's debt allocated to the participating municipality under this section and the member's state share percentage, as defined in section 15672, subsection 31.

D. For purposes of determining a debt limitation under this subsection, a certificate from the commissioner that a project qualifies for state school construction aid, as to the amount of debt that qualifies for that aid, as to the allocation of the debt to the members of the school management and leadership center, as to the allocation of debt to any participating municipality and as to the state share percentage for any participating municipality that receives an adjustment for the minimum state allocation pursuant to section 15689, subsection 1 is conclusive evidence of the facts stated in the certificate.

E. The commissioner shall determine the state allocation for debt service costs by allocating the principal and interest payments for each debt approved for purposes of state subsidy among the members of the school management and leadership center in proportion to the members' fiscal capacities. The adjustment for debt service under section 15689, subsection 2 applies to the debt service allocated to participating municipalities under this subsection. Each member's state allocation for debt service costs must be paid by the commissioner as provided by section 15907. The principal and interest payments on debt approved for purposes of state subsidy must be shared by the members of the school management and leadership center in accordance with the commissioner's allocation under this paragraph notwithstanding the cost-sharing formula of the school management and leadership center.

Sec. 2. 20-A MRSA §3802, sub-§12-A is enacted to read:

12-A. General obligation debt; assessment and collection; withdrawal. In the case of a school management and leadership center authorized to issue bonds or notes under the terms of an interlocal agreement, the following provisions apply.

A. Bonds and notes issued by a school management and leadership center are general obligations of the school management and leadership center. The provisions of sections 15695 and 15695-A apply, including provisions for the assessment and collection of taxes, the levy of ad valorem taxes without limit as to rate or amount upon all taxable property within the school management and leadership center and the rights and protection of bondholders.

B. A school management and leadership center board shall include in each budget an amount sufficient to pay debt service on approved bonds or notes. The cost-sharing, assessment and payment process under section 3801, subsection 3, paragraph A, subparagraph (4) must include determining debt service amounts, except that the principal and interest payments on debt approved for purposes of state subsidy are shared by the members of the school management and leadership center in accordance with the commissioner's allocation under subsection 12. The school budget of each member must include an amount that is its share of the school management and leadership center costs, including debt service costs. Each member shall raise and assess a sufficient amount for its share of annual debt service not paid from other sources and may collect those amounts in the manner provided by law for school taxes. If the treasurer of a member fails to timely pay any installment by the date required, the school man-

agement and leadership center has the same rights and remedies of enforcement, including interest, court costs and attorney's fees, and the court has the same powers, as is provided for enforcement of regional school unit installments under section 1489, subsection 6.

C. Whenever a member withdraws from a school management and leadership center having outstanding indebtedness, including bonds, notes and lease-purchase agreements, the school management and leadership center remains intact for purposes of securing and retiring the indebtedness. A withdrawal agreement may provide for alternate means for retiring outstanding indebtedness.

See title page for effective date.

CHAPTER 337

H.P. 1267 - L.D. 1782

An Act To Amend the Motorcycle Rider Education and Driver Education Laws

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29-A MRSA §1352, sub-§2, ¶¶F to H are enacted to read:

F. A person who successfully completes a motorcycle rider education course, approved by the Secretary of State, on a 2-wheel motorcycle may be licensed to operate a 2-wheel or 3-wheel motorcycle.

G. A person who successfully completes a motorcycle rider education course, approved by the Secretary of State, on a 3-wheel motorcycle is restricted to the operation of a 3-wheel motorcycle.

H. A person who holds a motorcycle learner's permit and who successfully completes the motorcycle road test, administered by the Secretary of State, on a 3-wheel motorcycle is restricted to the operation of a 3-wheel motorcycle.

Sec. 2. 29-A MRSA §1352, sub-§§2-A and 2-B are enacted to read:

2-A. Motorcycle rider education schools. A person may not conduct a motorcycle rider education course unless the person is licensed as a motorcycle rider education school and employs instructors licensed by the Secretary of State.

A. A licensed motorcycle rider education school shall:

(1) Provide a classroom, including a motorcycle riding range, in a permanent or tempo-

rary location approved by the Secretary of State;

(2) Display a business sign at the licensed place of business;

(3) Provide confirmation to the Secretary of State of liability insurance coverage for motorcycle riders operating on the motorcycle rider education school's motorcycle riding range;

(4) Maintain a surety bond in the amount of \$10,000;

(5) Ensure that each instructor employed by the motorcycle rider education school holds a valid motorcycle rider education instructor license;

(6) Ensure that each motorcycle owned, rented, leased or borrowed and used for any hands-on training course at the motorcycle rider education school is approved by the Secretary of State;

(7) Submit and retain copies of course forms provided by the Secretary of State. All records under this subparagraph must be retained by the motorcycle rider education school for 5 years; and

(8) Immediately notify the Secretary of State, in writing, whenever the location or mailing address of the motorcycle rider education school changes.

B. The Secretary of State shall upon initial review or renewal of an application, and may at any other reasonable time, conduct an on-site inspection of a motorcycle rider education school's records, facilities and equipment to determine compliance with this subsection.

2-B. Penalty. Operating a motorcycle rider education school without a license is a Class E crime. A licensed motorcycle rider education school that fails to comply with the requirements of subsection 2-A, paragraph A commits a traffic infraction.

Sec. 3. 29-A MRSA §1352, sub-§3, ¶¶D and E are enacted to read:

D. The Secretary of State may, at any reasonable time, monitor and evaluate an instructor's performance to determine compliance with this section.

E. The instructor shall immediately notify the Secretary of State, in writing, whenever the instructor's mailing address or name changes.

Sec. 4. 29-A MRSA §1352, sub-§3-A is enacted to read:

3-A. Penalty. Providing motorcycle rider education instruction without a license is a Class E crime. A